

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

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Works, Education and Tourism Department

Directorate of Education

ORDER

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The question of introducing Chapter VI and adding rule 178 to the existing rules of the G.I.A. Code known as "Taking over Management of Schools" was under consideration of the Government for sometime past.

Government is now pleased to accord sanction for adding Chapter VI after Chapter V of the G.I.A. Code and for adding rule 178 known as "Taking over Management of Schools" as hereunder:

CHAPTER VI

Rule 178. *Taking over Management of Schools:* —
(1) Whenever the Government is satisfied that the managing Committee or manager of any recognised School, —

- (i) has contravened any provision of the G.I.A. Code or of any rule or order made thereunder, or
- (ii) has neglected to perform any duty or obligation imposed on it by or under the G.I.A. Code, or
- (iii) has mismanaged the affairs of the school or has misappropriated or has misapplied any money standing to the credit of any Fund of the School, or
- (iv) has managed the affairs of the school in a manner prejudicial to the public interest, or
- (v) has closed down the school or any class or section of the school without the previous approval of the Government, or
- (vi) has made a written representation expressing its inability to run the School.

and that it is expedient in the public interest or in the interests of School education or in order to secure the proper management of the School to take over the management of such school, the Government may, after giving the managing committee or the manager of such school a reasonable oppor-

tunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years.

Provided that where the management of a school has been taken over for a period of three years or less, the Government may, if it is of the opinion that in order to secure proper management of the school it is expedient that such management should continue to be in force after the expiry of the said limited period, it may, from time to time, issue directions for the continuance, of such management for such period not exceeding one year at a time as it may think fit, so, however, that the total period for which such management is taken over shall not, in any case, exceed five years.

(2) Whenever the management of any school is taken over under sub-section (1), every person in charge of the management of such school immediately before its management is taken over, shall deliver possession of the school property to secure proper management to the Government or any officer authorised by it in this behalf.

(3) After taking over the management of any school under this section, the Government may arrange to manage the school through the Director or any other person or body of persons authorised by the Director in this behalf, subject to such terms and conditions and on such remunerations as he may specify (hereinafter referred to as the authorised Officer or authorised body, as the case may be).

(4) Where the management of any School has been taken over under sub-section (1), the managing committee or manager of such school may within three months from the date of taking over, make a representation to the Administrator, who may after considering the representation, made by the managing committee or the manager, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Government, as it may deem fit.

(5) Where the management of a school has been taken over under this section, the Government shall pay or cause to be paid such rent as may be payable for the building of the school to the person entitled to receive it as was being paid by the managing committee or the manager immediately before the management of such school was taken over.

(6) During such period as any school remains under the management of the authorised officer or authorised body, —

(a) the service conditions, as approved by the Government, of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage;

(b) all educational facilities which the school had been affording immediately before such management was taken over, shall continue to be afforded;

(c) all the school funds shall be available to the authorised officer or authorised body, for being spent for the purposes of the school;

(d) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Government and

(e) the authorised officer or authorised body shall have, and any person in charge of the management of the school at any time before the date on which the management of the school is taken over under sub-section (1) shall not have, the right to open any account in any bank on behalf of the school or operate any account maintained by the school at any bank or to draw money from any Fund.

(7) If at any time it appears to the Government on the application of the managing committee or manager of the School or otherwise, that the purpose for which the management of the school was taken over has been fulfilled or that for any other reason it is not necessary that the school should be continued to be managed by it, the Government may cancel the order made by it under sub-section (1) and, may restore the management of the school to its managing committee and thereupon the management of the control of the school vest in the managing committee.

(8) If, on the expiry of the period specified under sub-section (1) or the extended period specified under the provision to that sub-section, the manag-

ing committee does not take over the management of the school, the Government shall notwithstanding anything contained in sub-section (1), continue to remain in charge of the management of the school, and it shall, by a notice, require the managing committee to take over the management of the school. If the Government does not, within one month from the date of despatch of the letter, receive any reply thereto, it shall, within fourteen days after the expiry of the month, send to the managing committee of the school, by post, a registered letter referring to the first letter and stating that no reply thereto has been received and that if a reply is not received to the second letter within one month of the date thereof, a notice shall be published in the Official Gazette declaring the society, trust or other association of individuals owning or managing the school to be defunct:

Provided that if at any time within twenty years from the date of publication of the notice in the Official Gazette, any rightful owner of the school comes forward to take over the management of the school and its assets, the Government shall transfer the school together with its assets and liabilities to such rightful owner, and thereupon the school and its assets and liabilities shall cease to remain vested in the Government.

(9) Where the management of an aided school has been taken over by the Government, the authority granting such aid shall continue to make grant-in-aid to the school.

By order and in the name of the Administrator of Goa, Daman and Diu.

J. P. Singh, Director of Education and Ex-Officio Additional Secretary to the Government of Goa, Daman and Diu.

Panaji, 23rd December, 1981.